

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
JUNE 2-3, 2004**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on June 2-3, 2004, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

**Wednesday, June 2, 2004**

***SPECIAL STUDY SESSION ON ASSESSMENT AND ACCOUNTABILITY***

Drs. John Poggio and James Catterall of the National Technical Advisory Panel on Assessment and Accountability (NTAPAA) presented a study session on Kentucky's assessment and accountability system from 8:00 – 8:45 a.m. Dr. Poggio began by explaining that NTAPAA works in partnership with many others including talented Kentucky Department of Education staff and highly reliable contractors. He emphasized that NTAPAA meets regularly and looks directly at the assessment and accountability system as well as at specific issues related to it. Dr. Catterall added that NTAPAA's role is to provide advice on whether decisions made about the system are valid and reliable.

At this point, Dr. Poggio shared the following facts about the Commonwealth Accountability Testing System (CATS):

- CATS is more than a test; it is a system.
- The pay-off is in the accountability system.
- This is a school accountability system that does not zero in on individual performance.
- By law, the system makes a judgment about the progress of a school program.
- If the legislature had determined that the system should be based on individual performance, then it would look very different.
- The performance judgment is based on an overall score not per content area. The overall score is based on seven content areas.

- The system includes non-cognitive features in addition to the test scores.
- The *No Child Left Behind Act* laid a new requirement in reading and math over the system of judgments.
- The Board can always consider improvements to the system.

A question and answer period followed and the content is reflected below:

**Question:** Is the *No Child Left Behind Act* focused on the individual?

**Response:** No, it is also focused on the school but just in reading and mathematics. Additionally, a school can make adequate yearly progress and not its state goal or the converse, due to a difference in the calculation of accountability methods.

**Question:** What about adding end-of-year tests as a component to Kentucky's system?

**Response:** There is a movement to do this in many states mainly for high school core subjects. If agreement can be reached on the content of a course, then the value for these end-of-course exams is how fast the results can get back to the teacher. Additionally, a determination must be made on the purpose of the end-of-course exam on whether it is to serve individual accountability or advise teachers on instructional matters.

**Question:** How can the system take into account the American Diploma Project benchmarks that are supported by higher education?

**Response:** A question of validity exists as to whether passing a test makes one eligible for receiving a diploma. Meeting the needs of special needs students and the non-college bound are also brought into question.

**Question:** What about national comparisons from state to state?

**Response:** State comparisons are made all the time and the key is how Kentucky did against its own standards. The National Assessment of Educational Progress (NAEP) is the national test but the turnaround time for results is 18-24 months. Kentucky tests more and returns results quicker than NAEP. NAEP is trying to become more consistent; however, one needs to remember that the content tested on one exam may not necessarily be tested on another. Kentucky's test is a customized exam and what gets tested is taught. The problem with comparisons is that it is done by different yardsticks.

**Question:** Are we sacrificing content for the sake of testing?

**Response:** The vetting of test items in curriculum in Kentucky is about the best in the nation. Additionally, Kentucky uses state-of-the-art methods so that results from year

to year can be equated or comparable. Kentucky also goes to extensive lengths to ensure that its test is free from bias.

When Kentucky's testing system was developed, consistency from year to year was a desire. The federal government provided the impetus for change. The end-of-course exam discussion is part of the evolution of the system. As to whether the system sacrifices opportunity to learn, Kentucky's emphasis across content areas makes fewer sacrifices than other states. Also, as to comparing data from state to state, proficient means different things in different places, and as stated before, standards are the key. Kentucky went through a sound, more comprehensive process than most states to set the standards.

### ***CALL TO ORDER***

Chair Helen Mountjoy called the Board meeting to order at 9:02 a.m.

### ***ROLL CALL***

Present for the meeting were Janice Allen, Dorie Combs, Bonnie Lash Freeman, Jeff Mando, Tom Layzell, Helen Mountjoy, Hilma Prather, David Rhodes, David Tachau, Keith Travis, Janna Vice and David Webb.

### ***ANNOUNCEMENT***

Chair Mountjoy announced the following amendment to the June agenda:

- An item titled "Recommendation to the Governor on the Distribution of the additional \$10M" will be discussed at 1:15 p.m.

### ***APPROVAL OF MINUTES***

Chair Mountjoy indicated that technical amendments on the minutes from the April 7-8, 2004, regular meeting and May 12-13, 2004, retreat had been submitted to the assistant secretary. At this point Hilma Prather moved approval of both sets of minutes as amended to include the technical amendments and Dorie Combs seconded the motion. The motion carried.

### ***REPORT OF THE SECRETARY OF THE EDUCATION CABINET***

Secretary Fox shared the following in her report:

- The Board had promised it would deal with recommendations for the distribution of the additional \$10M and will be doing so today. Once the Board approves its recommendation, she will convey it to the Governor.

- She had a draft plan from the Governor that takes into account the priorities of alignment, accountability and achievement, consistent with the Board's path. A copy of the document was promised to the Board once the Governor had reviewed it in detail.

## ***REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION***

President Tom Layzell reported the following:

- The Council on Postsecondary Education is undertaking the significant task, as required by House Bill 1, to develop a new strategic agenda for higher education. Hopefully, it will be recommended to the Council at its November meeting. The handout given today to the Kentucky Board of Education is a preliminary document laying out the process issues and some of the deliverables to be produced in coming up with this new strategic agenda. Later in the year there will be a number of regional and campus forums and it is hoped that state board members will attend when in their region. The key issue in this effort will be what it is going to take for the Commonwealth to achieve the goals set forth in House Bill 1.
- The Council on Postsecondary Education has convened a group of provosts and deans from the public institutions and Commissioner Wilhoit is working with them to address educational leadership issues in Kentucky. The group is looking at making sure that higher education is offering the professional development opportunities that are needed by leaders. Additionally, the group is looking at whether a new doctorate to address educational leadership needs to be developed.
- In the past it has been mentioned to the Kentucky Board of Education about the Council's statewide postsecondary placement policy and as part of the Council's implementation of the American Diploma Project, it is convening representatives from each public institution in English and mathematics to review the American Diploma Project benchmarks and determine which of these figure most critically in postsecondary education placement. The groups are trying to correlate the benchmarks to ACT standards and determine an ACT score that colleges will agree demonstrates college readiness. When agreement is reached on this score, the Council will work with employers and labor groups to broker an agreement for giving high school graduates that demonstrate this standard a leg-up in hiring and the apprenticeship/admissions process.
- A lot of postsecondary/K-12 collaboration is going on between the faculty of the early mathematics testing program, who are holding meetings with college mathematics faculties and high school teachers across the state to develop and evaluate the questions on the early mathematics test. Additionally, as the CATS assessment is reviewed, if postsecondary faculty are included alongside K-12 faculty, then this will contribute to breaking down the lines between postsecondary and K-12 assessment processes.

- The teacher quality summit will be held this year at Western Kentucky University on October 14-15.

### ***REPORT FROM THE PRE-K TO 16 COUNCIL***

Deputy Commissioner Linda France reported the following:

- The last meeting was an excellent one with the discussion focused primarily on the American Diploma Project. It was noted that Dr. Jim Applegate, Dr. Dianne Bazell and Chancellor Keith Byrd represented Kentucky at the national release of the American Diploma Project benchmarks. These benchmarks have critical implications for all of the education partners at the state, federal and business leader levels.
- Dr. Jim Applegate noted Katie Haycock's research that indicates college retention and graduation rates increase dramatically for students across ethnic groups if those students have taken a rigorous pre-college curriculum. Additionally, there is a dramatic closing of the achievement gap when both African-American and Caucasian students have taken the pre-college curriculum in preparation for postsecondary education.
- An informal survey was done by Kentucky Department of Education staff in five school districts in Kentucky to determine the impact of offering the pre-college curriculum to all students. The districts surveyed were Kenton, Warren, Pike and Jessamine Counties and Corbin Independent. The findings indicated that if the pre-college curriculum is offered to all students, it will create a serious teacher shortage in the areas of world languages and mathematics. Therefore, there may need to be some alternative methods considered for offering these courses. Additionally, the survey found that teacher preparation and teacher quality are the greatest challenges in moving forward with the American Diploma Project recommendations. Moreover, four out of five of the districts reported 20 to 30 percent of their students would need some kind of intensive support to be successful in the pre-college curriculum. The last major finding showed that additional professional development will be needed by teachers.
- Consultants from the Kentucky Department of Education reviewed the Department's preliminary gap analysis between the Program of Studies, Core Content and the American Diploma Project benchmarks. Further analysis will occur this summer by content advisory committees, composed of both postsecondary instructors and K-12 teachers, who will work on both the content gap analysis and assessment gap analysis. The results will be shared with the Board in August.
- Dr. Paul Eakin and Dr. Steve Newman talked about the Kentucky Early Mathematics Testing Program. They are working with high school math instructors, local P-16

councils and professors of mathematics to analyze this assessment and how we can streamline mathematics achievement.

- The Department is continuing to work with Dr. Eakin and Kim Kaboda about their efforts with the Appalachian Mathematics and Science Project and the possibilities of on-line assessment for our students.
- Gary Wiseman gave an update on the work of local P-16 councils.
- The Board will need to replace two of its outgoing members that served on the P-16 council.

### ***REPORT OF THE COMMISSIONER OF EDUCATION***

Commissioner Wilhoit reported the following:

- The last round of the Arts Toolkits has been completed and will be available this month. KET is to be complimented for their outstanding work on these toolkits. This most current toolkit is of professional quality and will assist a person uncomfortable in teaching dance with outstanding resources to accomplish this in the classroom. This toolkit will be used as the basis for summer programming for teachers and the Department will be making it available to every school. A copy will be provided to each state board member once it is available.
- As previously referenced in Dr. Layzell's report, a conversation is occurring around improving the support base for educational leaders. A meeting occurred with the deans and faculties from the University of Kentucky and University of Louisville about how we begin to marshal a stronger support base around our educational leaders. The participants talked about the leadership concepts we have been promoting in this area. Good news is on the forefront in this arena due to the fact the Department has received a Wallace Readers Digest Grant to enter Phase 2 of the leadership program. The Department will be working with researchers at both institutions to study leadership in Kentucky and the way it is delivered. A commitment exists at both institutions to redesign programs so that they are of high quality. A conversation was also opened up at this meeting, with the Educational Professional Standards Board as a participant, about exploring the question of whether there is a role we can recognize for teachers in this leadership arena. Both institutions had a large group of participants that attended.
- Dr. Joe McCormick of the Kentucky Higher Education Assistance Authority is always looking for ways to create programs that support K-12. He has now come forward with a program to assist students who do not normally go to college. The Mary Joe Young Scholarship Program has been created to allow for students who do not traditionally take advanced placement courses to do so and the cost of the AP exams will be paid from this fund.



## ***ANNOUNCEMENTS***

Chair Helen Mountjoy indicated that due to the fact that Kevin Noland had to be in court this morning on behalf of the Board, Item 11A and B will be delayed until later in the meeting.

## ***GOOD NEWS FROM SCHOOLS AND DISTRICTS***

Chair Helen Mountjoy shared the following elements of good news and offered congratulations to those persons involved:

- Congratulations to two Henry County High School students, who were informed in May by the National Television Academy that they have received the Award for Excellence for their public service announcement on staying in school. Megan Amel and Liz Smith achieved this distinction, which is equal to an Emmy and is presented to the very best examples in broadcasting.
- A tip of the hat to Lauren Fraley, a senior at Holmes High School in Covington, who was one of 3,000 students nationwide that submitted qualified portfolios of their writing in a national contest. Her collection of poetry was selected for one of only five Scholastic Art Writing Goal Awards and she won a \$10,000 scholarship.
- Lauren Meeks of Waggoner Traditional High School in Jefferson County is one of 35 students chosen nationwide as Ebony Magazine's outstanding senior of 2004. Students are chosen based on grades and a letter of recommendation. Lauren is president of the Key Club and a member of the National Honor Society and Beta Club. She is a Governors Scholar, holds a 3.91 GPA and has received a full academic scholarship to the University of Louisville. Lauren volunteers with UNICEF, March of Dimes and Pennies for Patients; is active in her church and enjoys painting and sculpting. Her guidance counselor says, "She's the total package." Congratulations to Lauren!
- A group of students from Kentucky's public schools won individual awards at the Intel International Science and Engineering Fair held this year in Portland, Oregon. Twelve hundred students from 38 countries competed. David Meigooni of Paul Lawrence Dunbar High School in Fayette County received the \$5,000 Intel Foundation Achievement Award and a third place award in Medicine/Health. Evan Frank of duPont Manual High School in Jefferson County won the second place prize in Physics. Arthur Kim of Manual won third place in Engineering; Sushma Chennabholta of Manual took fourth place in Medicine/Health and Sonia Mijhawan, also of Manual, placed fourth in computer science. Congratulations to these students, their teachers and mentors. And, a big tip of the hat to Dr. Thomas Crawford, director of the Louisville Science Fair, who coordinated the trip to Portland for 30 Kentucky students.
- A school in Kentucky increased the percent of students reading at grade level from 15 percent to 81 percent and this school has 70 percent of its students that qualify for free



and reduced lunch. These facts refer to Northern Elementary in Fayette County. Principal Peggy Petrilli says all students are expected to perform, and “There is a moral imperative that we teach children at very high levels.” The successes at Northern challenge the myth that poor, minority students can’t learn, that poor parents won’t get involved in their children’s schools, that teachers don’t really care and that discipline requires removing kids from the classroom. Congratulations to Ms. Petrilli, her staff and the parents and students at Northern Elementary. What great example they give of what can happen when there is focus, commitment and leadership!

### ***BOARD MEMBER CONCERNS***

Dorie Combs asked that congratulations go to citizens in Madison County for reopening the doors of the Bend School for the first time in 57 years.

David Tachau indicated that as a citizen and taxpayer, he appreciated the quality of materials that were prepared for this meeting by Department staff and the leadership provided in order to produce the materials.

### ***KDE EMPLOYMENT REPORT***

Chair Mountjoy noted that the Department has 399 Frankfort-based employees with a minority employment rate of 11.8% overall and a Frankfort rate of 12.5%.

### ***COMMITTEE MEETINGS***

The Assessment and Accountability Committee and the KSB/KSD Committee met from 9:30 a.m. until 12:00 noon.

### ***PRESENTATION OF THE SAMUEL ROBINSON AWARD***

The full board reconvened for the presentation of the first annual Samuel Robinson Award. Chair Mountjoy presented the award to two recipients, Senator Gerald Neal and the One Community, One Voice Achievement and Closing the Gap Community Committee of Fayette County. Following the presentations, a luncheon was held in honor of the recipients of this award.

### ***RECOMMENDATION TO THE GOVERNOR ON THE DISSEMINATION OF THE ADDITIONAL \$10M***

The Commissioner of Education recommended that the additional \$10 million in state funding for education be earmarked for technology and preschool services, with flexibility for districts to use the money in other areas if needed. At this point, Jeff Mando moved to adopt the Commissioner’s recommendation and send it to the Governor, and Bonnie Lash Freeman seconded the motion. The motion carried. Helen Mountjoy clarified that this is not the final

determination because that is essentially up to Governor Fletcher. She then expressed appreciation to Ginni Fox and asked her to thank the Governor for allowing the Board to give input on this decision.

Secretary Fox responded that she looked forward to carrying the message to the Governor.

### ***ANNOUNCEMENTS***

Chair Mountjoy made the following announcements:

- The full board items designated on the agenda as 11A and B will occur tomorrow following the Clark County presentation.
- The Management Committee will reconvene its meeting tomorrow at 8:30 a.m. for the Jackson Independent vs. Breathitt County hearing.
- The full Board will reconvene tomorrow at 9:30 a.m.
- The Board will have dinner together tonight with no action being taken.

### ***COMMITTEE MEETINGS***

The Management Committee and the Curriculum Committee met from 1:15 p.m. to 3:45 p.m.

### **Thursday, June 3, 2004**

### ***APPEAL OF NONRESIDENT CONTRACT RULING: BREATHITT COUNTY SCHOOL DISTRICT VERSUS JACKSON INDEPENDENT SCHOOL DISTRICT***

The hearing began with a motion by Jeff Mando and seconded by Keith Travis to refer the hearing to the full board. The motion carried.

Chair Mountjoy indicated that the agenda was now amended to take up this hearing as a committee of the whole. Dorie Combs then recused herself from the discussion and the decision making process. Mountjoy stated that Jeff Mando would preside over the hearing.

Present for the hearing from Jackson Independent were Bob Chenoweth, attorney; Dr. Taylor Collins, superintendent and Marty Hayes, Jackson Independent Board Chair. From Breathitt County, present were Ron Eden, superintendent; Ken Henry, attorney and Lynn Herald, Breathitt County Board attorney.

At this point, Jeff Mando indicated that a motion to intervene had been filed from the parents of individual students and said that motion would be addressed first. He then said the Board would proceed with the appeal giving each attorney ten minutes for a presentation, followed by a discussion and question period.

Mr. Richards, an attorney for the Jackson Independent parents, was then asked to address the Board on why the parents should be able to intervene.

Mr. Richards indicated the following:

- He represents 79 parents. KRS 157.350(4)(a) talks about what Boards and Commissions should do. It says that the chief state school officer and the Kentucky Board of Education should do what is best for individual students.
- The parents were never notified of a hearing.
- This issue is nominally about money but is really about school choice. It is really about where children go to school.
- It is believed that if the Board does not adopt an “any and all” contract that the parents have a right to a hearing officer to present the individual interests of these students.

Mr. Mando then asked Deputy Commissioner Kevin Noland to advise the Board as to the motion to intervene and Mr. Noland advised the following:

- KRS 157.350 indicates that where the child lives is where the child goes to school unless the two districts can reach an agreement. If they can’t agree, then either of them can appeal.
- The local officials represent the parents and the students.
- The statute does not refer to an evidentiary hearing and this hearing is not a KRS Chapter 13B type hearing. The law does not require the Board to have other parties before it.

Mr. Mando indicated that the Board has before it the forms submitted on behalf of the individual students and assured Mr. Richards and the parents that it will consider the interests of individual students. Mr. Richards expressed that he felt there was a conflict of interest with Mr. Noland advising the Board and also being staff of the Department of Education. Mr. Mando declared his objection out of order.

At this point, Keith Travis moved to deny the motion to intervene and David Tachau seconded the motion. The motion carried.

Next, Mr. Chenoweth was asked to present Jackson Independent's position. Mr. Chenoweth's main points were as follows:

- Jackson Independent stands on the points made in its brief.
- If a child is not receiving an education in the district where he/she lives, the district does not get the dollars unless there is an agreement between the two districts.
- Breathitt County is claiming that if the children are not in their district, it takes away from other children's education, which is not true.
- The standard for this decision has already been mentioned and it is known that the General Assembly meant to give preference to the interests of individual students.
- The standard was not mentioned in the Commissioner's original ruling.
- The forms submitted by parents give the reasons why attending Jackson Independent is in the best interest of the students. The standard is not mentioned in the Kentucky Department of Education staff note.
- If the Kentucky Board of Education affirms the Commissioner's ruling, Breathitt County thinks that the students will return to them; however, these parents can send them to private schools or pay tuition.
- The Kentucky Board of Education is asked to reverse the Commissioner's decision because it is in the best interest of the students to permit them to attend Jackson Independent.

Mr. Ken Henry was then asked to present the position of the Breathitt County School District. The main points of his presentation were as follows:

- There is no dispute that this is about average daily attendance funding.
- Not once has the Breathitt County Board said that the dollars would automatically come back to them.
- The Breathitt County Board does not want any child to attend if it is not in his/her best interest.
- The Breathitt County Board has made every effort to reach an agreement with the Jackson Independent Board. However, each time the contract proposed by Jackson Independent had a greater number of students included.

- Commissioner Wilhoit's decision would begin reducing the imbalance of nonresident students.
- Since 1999, the number of students residing in Breathitt County and attending Jackson Independent has grown at an alarming rate. In the past, there has been conflict in the district and a turnover in the superintendency. This situation has now changed.
- In 1999, Jackson Independent had a total student membership of 377, which has swelled to 566 in 2003. Of the 566, 392 reside in Breathitt County. Between 1999 and 2003, the Breathitt membership declined by 324. Of the 324, 240 are at Jackson Independent. Over a five-year period, this has put a drain of resources on Breathitt County.
- Jackson Independent has begun an attempt to annex property within Breathitt County and has said that unless this occurs it will bankrupt their system. This is not true because they can charge tuition.
- If the annexation takes place, it would cost Breathitt County \$0.5 million. Jackson Independent has begun to purchase property near its campus.
- If this exiting of students is allowed to continue, Breathitt County will have to close two elementaries, students will have to be bused to the other elementary and staff will have to be reduced.
- The goal is to protect the interests of all students and in order to do this the Kentucky Board of Education needs to uphold the Commissioner's original decision.

Jeff Mando expressed appreciation to both districts at the efforts to reach resolution through mediation even though it did not work. He then opened up a period of questions and answers between Board members and the attorneys.

At the end of the interaction period, Mr. Mando summarized that the Board must determine whether to approve funding for 2003-04 school year for those from Breathitt County to attend Jackson Independent. He noted that the decision must be made on the basis of the interests of the individual student and that the decision is for this year only, and not for the future. He cited some of the reasons on the forms for the students wanting to attend Jackson Independent as small class sizes, higher test scores, services available in Jackson Independent that are not available in Breathitt County, variation of classes, better academics and better discipline.

Mando moved on to note that there is a question about the number of students for which the appeal is being requested. He said that when the appeal came in the number was 253 students as of September 2002, and when submitted for 2003-04 an additional 61 students made a total of 314.

Mr. Chenoweth said that 381 was the correct number per the superintendent. However, David Tachau noted that the exhibit showing the 391 would be the correct one for 2003-04.

Mr. Henry said that they did not consider the 391 number because it was not in the Commissioner's decision.

At this point, Keith Travis moved to uphold the Commissioner's original ruling and David Webb seconded the motion. Mr. Travis asked for a roll call vote.

Then, Helen Mountjoy moved to amend the original motion to show that 392 is the number of students agreed on by the two counsels, without determining what will happen in future years. David Tachau seconded the motion. The vote to amend the original motion to now consider 392 the number for 2003-04 carried with Keith Travis abstaining.

Due to some confusion on the original motion and the amended motion, Chair Mountjoy asked Keith Travis to clarify the original motion. Mr. Travis said that his intention was to cap the number of students and establish a precedent of 253 as the agreement.

Jeff Mando then explained that the amended motion was to approve 392 students for 2003-04 as reflected in Exhibit 11 and approve ADA funding for 2003-04 only in the best interests of the individual students.

Janna Vice stated she felt adequate justification was not heard for the change in number.

At this time, a roll call vote was taken on the amended motion and the motion failed 5 to 5. The Board then took a short recess.

Upon returning from the recess, Jeff Mando recapped that the motion based on 392 students had failed.

Then, Hilma Prather indicated that the Board must move forward and said the Board should clearly pursue having the law changed so that these situations have a clear basis for resolution. She moved that the number of 314 be the basis for the Board's decision for 2003-04 only. The motion carried on an eight to two vote, with Jeff Mando and David Tachau voting no.

Jeff Mando encouraged both districts to make every effort to reach common ground in the future.

### ***APPROVAL OF ACTION/CONSENT AGENDA ITEMS***

Jeff Mando moved to approve the following action/consent items:

- Certification of nonpublic schools: Abby's Child Enrichment Center, Inc.
- 2003-04 local district tax rates levied

- District facility plans: Letcher County, Ft. Thomas, Hazard and Williamstown Independents
- District facility plan amendments: Daviess and Todd Counties

Dorie Combs seconded the motion and it carried.

### ***LEGISLATIVE IMPLEMENTATION PLAN***

Kevin Noland indicated the plan contains very few items this time. He directed the Board to the staff note on page 35 of the Agenda Book where the first item indicated the Board will have to adopt a new regulation to establish standards for a district-operated GED program. He noted that this is already in process in the Curriculum Committee. Noland then made a correction and asked the Board to delete the item under the next section of the staff note entitled “Amend 707 KAR 1.340”. He clarified that the Board does not need to act on this item. Noland went on to say that of the next two items, one will be dealt with in October and the other was considered yesterday in the Curriculum Committee. The last items mentioned by Noland were that the Board no longer has to establish the standards and specifications for school buses and that beginning in the Fall of 2006, the Board will have to make a determination and hear appeals concerning the transfer of school council authority for schools that are Level 3 for two consecutive biennia.

### ***HEARING OFFICER’S REPORT***

Deputy Commissioner Kevin Noland said last month the Administrative Regulation Review Subcommittee considered only one repealer regulation from the Kentucky Board of Education and voted to approve it. He continued that last week no comments were received on the regulation considered at the April meeting.

### ***MANAGEMENT COMMITTEE REPORT***

#### **Action/Discussion Items**

1. **Request from the Jefferson County Board of Education to renew the existing waiver from 702 KAR 6:090 known as the “Competitive Food Rule”.** Chair Jeff Mando reminded the Board that last year it granted a waiver to Jefferson County allowing them to operate some vending machines during the breakfast and lunch periods in an effort to increase the quality of food offered to students in Jefferson County. He indicated that the data gathered on this situation shows a positive outcome from that waiver. Mando noted that from October 2002 to March 2003 Jefferson County claimed for reimbursement \$2,114,057 breakfasts and \$5,856,773 lunches. From October 2003 through March 2004, Jefferson County claimed for reimbursement \$2,286,183 in breakfasts and \$6,363,475 in lunches. He summarized that this is an increase of \$172,127 for breakfasts (7.6%) and \$506,706 for lunches (8%). Based on the data, Mando moved to approve the renewal of this waiver for an additional year.

He added that staff has been asked to bring forward a review item at a future meeting to discuss the competitive food rule regulation itself. The Board agreed with the committee's motion.

2. **Kentucky Education Technology System (KETS) FY 05 Unmet Need for LEAs.**

Mando explained that the approval of the unmet need is part of the statutory process that leads to the issuance of funds to school districts for technology. He went on to say that after the Board's approval of the unmet need, it will be reported to the School Facilities Construction Commission, which ultimately leads to the issuance of funds in the form of offers of assistance for school districts. Mando did note that while Kentucky has been a leader in technology, we now have a major problem because we have some of the oldest workstations in the nation and are 48<sup>th</sup> in this area. He reported that 75% of the workstations are over six years old. He emphasized we are unable to do on-line assessment with the equipment of this age. Mando cautioned that we need to keep this in mind as we go forward with the drafting of the new Request for Proposals for tests given in 2007 and beyond. He then moved approval of the unmet need for all districts.

Chair Mountjoy clarified that the districts do not get this amount and noted this step is declaring the total unmet need. She said that the offers of assistance will come back for Board approval at the August meeting. The question was called and the Board approved the motion.

### **Review Items**

1. **Transportation Issues.** Mando reported that staff will look at the transportation formula and bring back a proposal if changes are necessary in time for consideration in the 2006 legislative session.
2. **702 KAR 1:001, Implementation Guidelines, The Kentucky School Facilities Planning Manual.** Mando indicated that this regulation was last reviewed in 1994 and said that the Committee is looking at some improvements. Generally, however, he emphasized that the process works across the state. Mr. Mando noted that the Local Superintendents Advisory Council weighed in on some of the changes. He indicated the main changes were as follows:
  - Elimination of the Kentucky Department of Education Hearing Officer
  - Directing the Kentucky Department of Education's efforts at the front end of the process for an orientation (LSAC did not want this orientation required but the committee disagreed.)
  - Requiring that the superintendent shall ensure demographic representation on the local planning committee (LSAC did not want the language to read "shall ensure" demographic representation but the majority of the committee felt that it should remain in this form.)



Chair Mountjoy then asked what was meant by demographics and Mr. Mando said that he thought it was the racial composition of the locale. Ms. Mountjoy asked that this be clarified by the time the regulation comes back for final approval in August.

Mr. Mando went on to say that the changes include the appointment of a planning and zoning or building inspector type of individual to the local planning committee. He explained that this addition is due to a conversation with the League of Cities where they asked to make the community part of the committee. He noted that LSAC wanted the person appointed by the superintendent, with a desire that this person be non-voting. Mando commented that the committee felt the person should be able to vote, but is not adamant on who appoints the individual. In summary, Chair Mando said the regulation would come back for final approval in August.

1. **702 KAR 4:050, Building sites; inspection, approval.** Chair Mando said that the committee considered a possible amendment to 702 KAR 4:050 that would require two appraisals by the district when it would spend more than 10% of its budgeted funds for site preparation/acquisition. He noted the consensus of the committee was that they are comfortable with the current process. Mando said that it was helpful to examine the regulation but emphasized the committee does not feel they need to change the process at this point.
2. **Medicaid Administrative Claiming.** Mr. Mando reported that this involved claiming budgeted funds for reimbursement for administrative functions already performed by the districts. He said there were a number of districts signed up and indicated this program could recoup up to \$7.2 million.
3. **Update on Persistently Dangerous Schools in Kentucky, including a discussion of a procedure to inform all schools of their proximity to the persistently dangerous designation.** Mando indicated currently there are no schools labeled as persistently dangerous in Kentucky. He noted that instead of producing a watch list as previously discussed, all districts will now be sent a subset of the Center for School Safety's data that highlights the persistently dangerous indicators. He reported the committee will be reviewing the persistently dangerous definition again at a future meeting.
4. **Update on Deficit and Watch List Districts.** Chair Mando reported that Covington will not be in deficit at the end of this fiscal year and will end the year with a \$1 million balance. He went on to say that Jackson County is on the watch list and will end with a 1.45% balance. He pointed out the existence of the issue, due to budget cuts, of not having the dollars to provide management assistance to Jackson County and said the Board will have to resolve its position on this.

## ***CURRICULUM COMMITTEE REPORT***

### **Review Items**

1. **704 KAR 7:140, World War II Veterans Diplomas.** Chair Dorie Combs reported that House Bill 45 passed in 2001 established guidelines to award high school diplomas to veterans of World War II. Now, she explained, House Bill 113 requires the Board to add veterans of the Korean conflict to this regulation as potential diploma recipients. She indicated that the regulation will come back in August for final approval and pointed out the committee's recommendation for leniency until it can become final to allow local boards of education to issue these diplomas while the regulation is going through the process.
2. **Reading First Update.** Combs reminded the Board that Kentucky was awarded \$13.7 million annually over the next six years through Reading First. She indicated that in the Board's meeting folder was a list of actual programs adopted by the selected schools and said these schools must be monitored at the federal and state levels. Combs noted that Department staff has planned 51 summer institutes and stated that in August, staff will bring back a process for identifying and dealing with any school in danger of losing these federal funds. She explained that the federal government requires the removal of dollars from districts not meeting the guidelines or not making progress.
3. **Possible Secondary GED Program Criteria.** Chair Combs indicated that at the April 2004 meeting, the Board approved the full implementation of the National Council for Education Statistic's definition and guidelines for dropout and the creation of a secondary GED program. She reported that the GED is a test developed by the American Council on Education (ACE) that is designed to show that an individual has mastered the content and skills identified for a high school diploma. She went on to say that most employers accept the GED certificate as an equivalent to a high school diploma; however, she stated the committee does not want to give the impression that pursuing a secondary GED is equal to a high school experience. Combs noted that the secondary GED will provide a safety net and second chance for young people who might otherwise drop out of school and never complete either a high school diploma or an adult GED. Chair Combs noted that staff has developed a preliminary list of possible criteria for the secondary GED program and said the committee asked staff to talk with the Local Superintendents Advisory Council and others to help frame a more solid list. She commented that staff were asked to bring back a draft regulation for review in August and also begin the application process to ACE for the establishment of a secondary GED program.

Chair Mountjoy said that it is her understanding the legislature passed a bill requiring the Board to establish this program but cautioned that the Board needs to be careful to ensure the program does not become a place where problem students are dumped.

Bonnie Lash Freeman asked that staff make sure adult education is a partner in this along with teen parents and literacy personnel.

4. **Refocusing Secondary Education.** Combs noted that this item was an addendum to the original agenda and appeared as an insert in the Agenda Book marked page 152A. She stated that this conversation has been going on for some time and that the committee gave its support to the following conceptual proposal:

- Better alignment of K-12 to postsecondary expectations and the skills, knowledge and attitudes needed for life-long success in continued learning
- A reassessment of graduation requirements
- Personalization of the secondary school experience
- End-of-course assessments
- Continued development and use of the individual graduation plan, as well as tools of easier access via the GO HIGHER web portal
- Provision by the KBE of incentives to districts and high schools to address these concerns and implement changes locally

Combs indicated that staff will develop priorities and a timeline for implementation to be brought to the August meeting.

4. **End-of-Course Assessments.** Chair Combs reported that the committee directed staff to begin development of end-of-course assessments in reading and mathematics for schools and districts to use at their discretion. She said it was hoped that some of these would be ready for next year. Combs said that staff will propose a continuum of policy options regarding the possible uses for end-of-course assessments.

5. **American Diploma Project Update.** Combs said that the Department of Education has done extensive work relative to the American Diploma Project. She noted that staff have worked on an analysis of the alignment of the mathematics and English benchmarks with the Core Content. She noted that the alignment in language arts is very close with mathematics showing some gaps. Combs reported that the committee recommends the following:

- The Kentucky Board of Education should formally endorse the revision of the Program of Studies to align with the American Diploma Project benchmarks as well as other national standards.
- The Kentucky Department of Education (KDE) should involve stakeholders in the review and revision process as much as possible given budgetary restraints.
- The committee recommends that we do not make changes in the graduation requirements at this time.
- The committee recommends the development of end-of-course assessments.

- The committee supports the review of the high school writing portfolio in order to align the writing assessment with the American Diploma Project benchmarks. (This process is already underway.)
- The committee supports the expanded use of the Kentucky Early Mathematics Placement Test as a diagnostic tool.
- The committee believes it is important for KDE to address individual student accountability for learning, though not necessarily within the Commonwealth Accountability Testing System (CATS).
- Support needs to be given to help teachers and schools provide instruction that engages and motivates students to higher levels of learning and performance on various assessments.

## ***ASSESSMENT AND ACCOUNTABILITY COMMITTEE REPORT***

### **Action/Discussion Items**

1. **703 KAR 5:040, Statewide assessment and accountability program, relating accountability to A1 schools and A2-A6 programs (Final).** Chair Hilma Prather emphasized that the Board holds the tenet that adults in the school are responsible for the achievement of each and every child. Previously, she said, A1 schools were attributed accountability for all students that were assigned to that school, even if the students were placed in an alternative school or treatment facility. Prather indicated that the amendments to this regulation will make the provisions fairer to students and to A1 schools. She noted that the amendments to the regulation were summarized on page 40 of the Agenda Book. Prather said that the committee agrees with these amendments and has incorporated both of the suggestions from the Local Superintendents Advisory Council, the latest of which deletes the language requiring formal documentation from the courts. At this point, on behalf of her committee, she moved final approval of 703 KAR 5:040 and the Board concurred.

Following the approval of the regulation, Ms. Prather noted that the committee did not discuss the state accountability element contained in the regulation and indicated it would like to have additional details on this at a future meeting.

### **Review Items**

1. **Greater Assistance to Teachers: snapshot assessments and technology-based delivery of these assessments.** Chair Prather stated that previously the committee had given its blessing to the development of snapshot assessments using a technological administration. She indicated that this staff note outlines ways of thinking how to approach this idea and reported her committee instructed staff to pursue the approach that will allow local school districts the most flexibility to meet their needs. She went on to say that the committee agreed with staff that the item bank should be populated using all three methods listed in the staff note in order to keep costs down.

2. **Improving CATS for Optimum Results: in-state teacher scoring.** Chair Prather noted that the staff note offered different approaches to in-state teacher scoring. She explained that when CATS was developed, the use of out-of-state scorers was pursued for validity and reliability reasons; however, Prather shared that the move to in-state scoring would provide teacher buy-in and professional development. She emphasized that the committee is concerned with public perception of possible teacher misconduct if Kentucky teachers score the tests and noted that staff were asked to guard against this in composing their final recommendations. Additionally, Prather pointed out that if the scoring is outside of the regular day, it would affect teacher pay and require additional work and indicated these must be considered as final recommendations are shaped by staff. She reported that staff were asked to secure input from the Local Superintendents Advisory Council on the options for in-state teacher scoring.
3. **Request for Proposals (RFP) for the Commonwealth Accountability Testing System (CATS): 2007 and Beyond.** Ms. Prather emphasized that the specifications for the CATS assessment that will be given in spring 2007 and beyond must be configured into a Request for Proposals by February 2005. She stated that all potential changes to CATS must have the details specified for the RFP. Prather indicated that the committee asked staff to move more aggressively with the timeline on these items.

## ***KSB/KSD COMMITTEE REPORT***

### **Review Items**

1. **Kentucky School for the Blind and Kentucky School for Deaf Action Plan.** Chair Keith Travis reported that the draft Action Plan contains two components, an overview of the next two years and then a more detailed version. He characterized the plan as Phase 1 and said it is a plan for continuous improvement. Travis noted that staff were asked to have more specifics in the plan and identify the persons responsible for each component at the next meeting.

Travis continued that in Phase 1 the work will be completed within existing resources including the start-up of an Early Learning Village prototype this fall at the Kentucky School for the Deaf. He shared that next year, two other centers of this type will be started out in the state. Travis emphasized that the 11 special education coops will be integral to this process. He said that at his committee yesterday there was a lot of audience interaction and he reported concern exists about the trust level. Travis went on to say that the audience was assured that the committee's intent is to be open about plans for the two schools. He indicated there will be some retraining at the schools that will be required and noted that communication with the school staffs and stakeholder groups will be essential.

Chair Travis pointed out that Dorie Combs attended the graduation ceremony at the Kentucky School for the Deaf and that David Tachau and Bonnie Lash Freeman attended the ceremony at the Kentucky School for the Blind.

### ***INTERNAL BOARD BUSINESS***

Chair Mountjoy dealt with the following items under this part of the agenda:

- By consensus the Board agreed to submit Kentucky's ballot to the National Association of State Boards of Education (NASBE) indicating its support for Diane Fladmo for President Elect and Jane Norwood for Southern Area Director.
- Keith Travis moved approval of the attendance of Bonnie Lash Freeman, Janna Vice, David Rhodes and David Webb at the National Association of State Boards of Education (NASBE) new board member training in July. Dorie Combs seconded the motion. The motion carried.
- Keith Travis moved to accept the proposed changes to the Kentucky Board of Education Policy Manual and David Webb seconded the motion. The motion carried. Mary Ann Miller was asked to get new copies to all Board members.
- Janna Vice moved approval of the establishment of a nominating committee for proposing Board officers consisting of Hilma Prather, Chair; Janice Allen and David Webb. David Tachau seconded the motion and it carried.
- Chair Mountjoy announced that Hilma Prather has one year left on her term for the Pre-K to 16 Council and proposed to appoint Dorie Combs for a two-year term and Bonnie Lash Freeman for a three-year term. David Webb moved to accept the proposal and Keith Travis seconded the motion. The motion carried.
- Chair Mountjoy announced that at the August meeting, the Board will conduct the evaluation of the Commissioner. She indicated that she had asked Jeff Mando to manage this process and said members will be hearing from him on how this will proceed.
- Jeff Mando moved to approve the following meeting dates and Bonnie Lash Freeman seconded the motion:

### **KBE MEETING DATES 2004**

<b><u>2004</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
August 11-12, 2004	Regular Meeting	Frankfort
September 7, 2004	Regular Meeting	Frankfort
October 6-7, 2004	Regular Meeting	Frankfort
November 3, 2004	Regular Meeting	Frankfort
December 8-9, 2004	Regular Meeting	Frankfort

### **KBE MEETING DATES 2005**

<b><u>2005</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
January 5, 2005	Regular meeting	Frankfort
February 2-3, 2005	Regular meeting	Frankfort
April 6-7, 2005	Regular meeting	Frankfort
May 17-18, 2005	KBE retreat and preliminary budget discussion	*TBD
June 8-9, 2005	Regular meeting	Frankfort
August 3-4, 2005	Regular meeting and commissioner's evaluation	Frankfort
September 14, 2005	Regular meeting	Frankfort
October 5-6, 2005	Regular meeting	Frankfort
November 2, 2005	Regular meeting	Frankfort
December 7-8, 2005	Regular meeting	Frankfort

### **KBE MEETING DATES 2006**

<b><u>2006</u></b>	<b><u>Type of Meeting</u></b>	<b><u>Location</u></b>
January 4, 2006	Regular meeting	Frankfort
February 1-2, 2006	Regular meeting	Frankfort
March 8, 2006	Regular meeting	Frankfort
April 5-6, 2006	Regular meeting	Frankfort
May 10-11, 2006	KBE retreat and strategic plan discussion	*TBD
June 7-8, 2006	Regular meeting	Frankfort
July 5, 2006	Regular meeting	Frankfort
August 2-3, 2006	Regular meeting and commissioner's evaluation	Frankfort

September 6, 2006	Regular meeting	Frankfort
October 4-5, 2006	Regular meeting	Frankfort
November 1, 2006	Regular meeting	Frankfort
December 6-7, 2006	Regular meeting	Frankfort

The motion carried.

### ***ADJOURNMENT***

The Kentucky Board of Education meeting adjourned at 2:30 p.m.